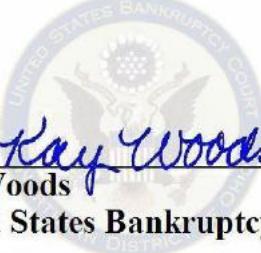


IT IS SO ORDERED.

Dated: November 16, 2015
08:54:41 AM


Kay Woods
Kay Woods
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: :
:
Martin C. Thomas : Case No.: 13-42706
AKA Martin Thomas : Chapter 13
:
Debtor(s). : Judge Kay Woods
:
*:*****:
:
:

AGREED ORDER RESOLVING MOTION FOR RELIEF
FROM STAY AND CO-DEBTOR STAY (DOCKET NUMBER 37) AS TO
REAL PROPERTY LOCATED AT 4951 CANFIELD RD, CANFIELD, OH 44406

This matter having come before the Court on the Motion for Relief from Stay and Co-Debtor Stay for the real property located at 4951 Canfield Rd, Canfield, OH 44406 (the "Property"), which was filed in this court by CitiFinancial Servicing, LLC ("Movant") as Docket Number 37, and the opposition of Martin C. Thomas AKA Martin Thomas ("Debtor") thereto; and it appearing to the Court that the parties have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein

15-018529_KDV

for the protection of Movant; and the Court, being otherwise fully advised in the premises, hereby issues the following Order with respect thereto:

1. The Chapter 13 Plan filed herein on behalf of the Debtor provided that said Debtor was to make regular monthly mortgage payments to Movant outside of the Plan in a regular monthly fashion.
2. In breach of the terms of said Plan, the Debtor failed to make certain of the regular monthly mortgage payments to Movant; said payments are currently in default for the months of June 2015 and subsequent months, incurring a total post-petition arrearage of \$3,421.60 as of November 3, 2015, which consists of 1 partial payment for June 2015 in the amount of \$319.10 , 5 post-petition payments for July 2015 through November 2015 at \$415.30 each, filing cost of \$176.00 and attorney fees in the amount of \$850.00.
3. In order to eliminate said post-petition delinquency, the Debtor hereby agrees to pay to Movant, and Movant hereby agrees to accept, the following lump sum payments:
 - a. \$570.27 on or before December 15, 2015;
 - b. \$570.27 on or before January 15, 2016;
 - c. \$570.27 on or before February 15, 2016;
 - d. \$570.27 on or before March 15, 2016;
 - e. \$570.26 on or before April 15, 2016;
 - f. \$570.26 on or before May 15, 2016.

The lump sum payments due above are in addition to the regular monthly mortgage payment due and owing for said months.

4. The Debtor hereby agrees to resume regular monthly mortgage payments outside the Plan directly to Movant for the December 1, 2015 regular monthly mortgage payment and to make all further monthly payments in a timely fashion.
5. Payments shall be sent to Payments shall be sent CitiFinancial Servicing LLC, P.O. Box 70918, Charlotte, NC 28272.
6. This Provisional Order remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates his case by order of the Court and/or the Movant obtains relief from stay and the stay is subsequently reinstated by order of the Court.
7. The following are events of default under this Provisional Order: (a) Debtor fails to make any of the lump sum payments hereinabove described on or before their specified due dates; (b) Debtor fails to pay any future monthly mortgage payment so that the payment is not received by Movant on the last day of the month in which it is due; (c) Debtor fails to make any Chapter 13 Plan payment to the Trustee's Office within 30 days of the last day of the month in which it is due (hereinafter, any of the events described above shall be referred to as a "Default").
8. Upon the existence of a default, Movant's counsel shall send Debtor and counsel for Debtor a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.
9. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by § 362(a) and of the Bankruptcy Code with respect to Movant, its successors and assigns.

10. Debtor's opportunity to cure the default shall be limited to two occurrences. Upon the occurrence of the third default, then upon the filing of an affidavit by Creditor attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code and co-debtor stay imposed by Section 1301 of the Bankruptcy Code with respect to Creditor, its successors and assigns.
11. Counsel for Debtor is not representing Co-Debtor Wanda Thomas and did not object to the request for relief from Co-Debtor stay. No one appeared or otherwise responded on behalf of the Co-Debtor. Thus, the Court grants by default, relief from the Co-Debtor stay imposed by § 1301 of the Bankruptcy Code, with respect to Creditor, its successors and assigns.

###

SUBMITTED BY:

/s/ Daniel C. Wolters

Daniel C. Wolters (0076521)
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Email: dcwolters@manleydeas.com
Attorney for Movant

/s/ Bruce R. Epstein

Bruce R. Epstein (0007026)
5500 Market Street
#101
Youngstown, OH 44512-1701
Telephone: 330-782-7000
Fax: 330-782-0483
Email: epsteinlaw@sbcglobal.net
Attorney for Debtor

Copies to:

Bruce R. Epstein
Attorney for Debtor and/or Co-Debtor
5500 Market Street
#101
Youngstown, OH 44512-1701
epsteinlaw@sbcglobal.net
(notified by ecf)

Mahoning County Treasurer
Party of Interest
120 Market Street
Youngstown, OH 44503
(notified by regular US Mail)

Martin C. Thomas AKA Martin Thomas
Debtor and/or Co-Debtor
4951 Canfield Road
Canfield, OH 44406
(notified by regular US Mail)

Daniel C. Wolters
Attorney for Movant
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
dcwolters@manleydeas.com
(notified by ecf)

Michael A. Gallo
Chapter 13 Trustee
5048 Belmont Avenue
Youngstown, OH 44505
mgallo@galotrustee.com
(notified by ecf)

Martin C. Thomas AKA Martin Thomas
and Wanda Thomas
Debtor and/or Co-Debtor
4951 Canfield Rd
Canfield, OH 44406
(notified by regular US Mail)

Office of U.S. Trustee
Northern District of Ohio
Howard Metzenbaum U.S. Courthouse
Party of Interest
201 Superior Avenue
Cleveland, OH 44114
(Registered address)@usdoj.gov
(notified by ecf)